

purposes of chapter 33 (including submission to the jury under section 33.003¹) without further action by the court or any party.² Section 33.004(l) provides that:

After adequate time for discovery, a party may move to strike the designation of a responsible third party on the ground that there is no evidence that the designated person is responsible for any portion of the claimant's alleged injury or damage. The court shall grant the motion to strike unless a defendant produces sufficient evidence to raise a genuine issue of fact regarding the designated person's responsibility for the claimant's injury or damage.

Should Plaintiffs desire to file a motion under section 33.004(l), such a motion must be filed no later than the deadline for filing dispositive motions in the scheduling order.

The Motion for Leave to Designate Responsible Third Parties (ECF No. 150) is GRANTED. Devin Patrick Kelley, Academy, Ltd., d/b/a Academy Sports & Outdoors, and John Does 1-10 are designated as a responsible third parties.

It is so ORDERED.

SIGNED this 5th day of November, 2019.

A handwritten signature in black ink, appearing to read 'Xavier Rodriguez', with a long horizontal line extending to the right.

XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE

¹ However, section 33.003 does not allow a submission to the jury of a question regarding conduct by any person without sufficient evidence to support the submission.

² Before the 2003 amendments to section 33.004, responsible third parties were actually joined as parties to the suit. However, since the 2003 amendments, responsible third parties are now designated, not joined.